

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7034

BILL NUMBER: HB 1179

DATE PREPARED: Dec 28, 1998

BILL AMENDED:

SUBJECT: Death sentence.

FISCAL ANALYST: Mark Bucherl

PHONE NUMBER: 232-9869

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill prohibits a court from sentencing a defendant to death for committing murder if the sentencing hearing is by jury, unless the jury unanimously recommends the death penalty. It also provides that if a jury is unable to agree on a sentence recommendation in a murder case after reasonable deliberations, the court must discharge the jury, hold a separate sentencing hearing, and sentence the defendant to: (1) a fixed term of imprisonment; or (2) life imprisonment without parole.

Effective Date: July 1, 1999.

Explanation of State Expenditures: This bill provides circumstances which may constrain courts from seeking the death penalty or life imprisonment without parole (LIWP) for the crime of murder. This measure may work to decrease the number of LIWP and death penalty outcomes in the future in favor of fixed sentences. There are currently 40 persons serving LIWP and 44 persons under the death penalty in Indiana. (Expenses may therefore be diminished for death penalty case appeals that involve expenditures by state entities, including: (1) the Office of Attorney General and (2) the State Public Defender's Office.)

The average expenditure to house an adult offender was \$20,500 in FY 97. Individual facility expenditures range from \$11,000 to \$27,000. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually or \$5 daily per prisoner.

Explanation of State Revenues:

Explanation of Local Expenditures: Local expenditures may decrease should prosecutors choose to file fewer death penalty cases due to this provision. Research indicates that the trial and appeals costs for death penalty cases can be two to three times more than the current range of \$37,000 and \$90,000 spent to impose prison sentences. (Death penalty case costs can be further inflated due to additional police investigation and court time, prosecution resources, or the costs of a lengthy jury trial with a sequestered jury.)

Court administrative processing costs may increase negligibly due to the provision requiring a separate sentencing hearing.

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts; prosecutors; local law enforcement agencies.

Information Sources: Planning Division, Department of Correction.